REMARKS

Claims 1-23 are pending in this application. Claims 1-11 stand rejected under 35 U.S.C. 101 because the method claims, such as claim 1, does not appear to be tied to a particular machine or apparatus or transforms a particular article to a different state or things. Claims 12-23 stand rejected under 35 U.S.C. 101 because the system claims appear to consist only of software modules. Claims 18 and 20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-5, 8-10, 12-17 and 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0119759 to Barros, in view of U.S. Patent Publication No. 2003/0038798 to Besl et al. Claims 18 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barros, in view of Besl et al., and further in view of U.S. Patent No. 6,647,370 to Fu et al. Claims 6, 7, 11 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barros, in view of Besl et al., and further in view of Official Notice. These rejections are respectfully traversed.

In regards to the claim objections, rejections under 35 U.S.C. 101 and rejections under 35 U.S.C. 112, suitable amendments have been made to address the grounds of rejection. Withdrawal of those rejections is respectfully requested.

Barros in view of Besl fails to provide a prima facie basis for the rejection of claims 1-5, 8-10, 12-17 and 20-22 under 35 U.S.C. 103(a), because they fail to disclose each element of the claimed inventions. Consider claim 1 as amended, which includes a method of presenting data over a network comprising providing on a display device of a data processor a persistent graphical object representing a rotating globe that depicts a plurality of geographical points and a plurality of geographical regions representative of geographical locations of a physical world and extracting from a data memory a plurality of content elements from at least one data file, at least one of the content elements conveying information related to at least one geographical location of the physical world. The Examiner admits that Barros does not disclose a graphical object representing a rotating globe, and it is also noted that Barros does not discloses a persistent graphical object. The terms "persist," "persistent" and "persistence" are not even used anywhere in Barros. In addition, while Besl does disclose a Netscape logo as an example of an animated GIF, the claimed persistent graphical object representing a rotating globe that depicts a plurality of geographical points and a plurality of geographical regions representative of

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geographical locations of a physical world and extracting from a data memory a plurality of content elements from at least one data file, at least one of the content elements conveying information related to at least one geographical location of the physical world is not enabled by the combination of Barros and Besl. The static elements of the animated GIF of Besl are incapable of extracting from a data memory a plurality of content elements from at least one data file, at least one of the content elements conveying information related to at least one geographical location of the physical world, and the system of Barros relates to an information management system that seamlessly integrates layered and slotted formatted data from both local and remote sources to provide a highly versatile information display. The display of Barros is not persistent, and appears to be generated within a web browser. One of ordinary skill the art would be unable to map the layered and slotted formatted data from both local and remote sources that are used to provide a highly versatile information display of Barros onto an animated GIF, a process which Besl fails to disclose. For example, see Figure 1 of Besl, which shows that the input to a remote visualization process is a 3D object or scene, which is then rendered in 2D. Besl is directed to "processing, compressing, streaming, efficient transmission, and interactive rendering of 3d color image data," see Abstract, and thus, using Besl as a basis for rendering 3D data from 2D data places the cart in front of the horse.

In addition, claim 1 includes presenting said graphical object in a composition accessed by an initial application, said object having state and having one or more external connections, allowing a user to indicate relocation of said graphical object to a location outside of said initial application and thereafter moving said graphical object to said outside location, preserving state of said graphical object. The Examiner relies on paragraphs 107-123 of Barros as allegedly disclosing these limitations, but that section of Barros discloses how "a vast amount of information can be organized within a single, small screen and how its layered data can be retrieved by means of exemplar special control apparatus." The system of Barros "pulls from third-party databases and public information Web sites; and it dynamically refreshes the display with the most current entries," but it does not disclose a graphical object that has state and that can be relocated outside of an initial application. Instead, if the web browser or other initial application of Barros is terminated, the display of Barros is also terminated. Withdrawal of the rejection of claim 1 is therefore respectfully requested.

Claim 2 includes the method according to claim 1 wherein said graphical object, once relocated, will persist and maintain state after termination of said initial application. The Examiner relies on paragraph 129 of Barros, but that paragraph only discloses that components of the graphical user-interface of Barros are depicted as active regions on the screen of a User's workstation, and do not disclose or suggest a graphical object that, once relocated, will persist and maintain state after termination of said initial application. Withdrawal of the rejection of claim 2 is therefore respectfully requested.

Claim 3 includes the method according to claim 1 wherein said initial application location is a web browser and said new location is a desktop provided by an operating system. The Examiner relies on paragraph 76 of Barros, but that paragraph only discloses that the entire application operates within a web browser. The terms "desk" and "desktop" are not even used anywhere in Barros. Withdrawal of the rejection of claim 3 is therefore respectfully requested.

Claim 5 includes the method according to claim 1 wherein said relocation may be repeated from a current location to any number of additional platforms. The Examiner relies on paragraph 66 of Barros, but that paragraph only discloses a single, compact computer user-interface with layered indexes, keys, and content, a user interface that is not persistent or relocatable even on the same platform, much less to any number of additional platforms. Withdrawal of the rejection of claim 5 is therefore respectfully requested.

Claim 8 includes the method according to claim 1 wherein said graphical object comprises one or more user interface components and wherein said components are preserved after a relocation, and one or more connections to one or more external entities and wherein said connections are persistent. The Examiner relies on paragraphs 70, 85 and 101 of Barros, but those paragraphs only disclose smart graphics that can respond to user commands. They are not persistent and cannot be relocated, and therefore are not preserved after relocation. While the smart graphics of Barros can be generated in different locations, they are not persistent graphical objects that have state and that have one or more persistent connections. Instead, they are generated when a user calls a web page, they create a connection depending on whether the user activates a control, and their existence and any connections are terminated when a user navigates to another web page. Withdrawal of the rejection of claim 8 is therefore respectfully requested.

Claim 9 includes the method according to claim 1 wherein said allowing a user to indicate relocation comprises selecting and dragging a graphical object. The Examiner cites to

paragraph 70 of Barros, but as discussed, that paragraph only discloses actions taken in regards to smart graphics, which are not persistent. The existence of any smart graphics is terminated when a user navigates to another web page. Withdrawal of the rejection of claim 9 is therefore respectfully requested.

Claim 10 includes the method according to claim 1 wherein said allowing a user to indicate relocation comprises discontinuously selecting a graphical object and placing said object in a new location. The Examiner relies on paragraphs 97 and 98 of Barros, but those paragraphs merely discuss various editing tools that allow users to create text, lines or symbols. The text, lines and symbols are not persistent graphical objects that have state and one more possible connections, and they cannot be relocated to a location outside of an initial application. Withdrawal of the rejection of claim 10 is therefore respectfully requested.

Claim 12 includes an electronic data processing system presenting web content comprising an information appliance displayable representation of a globe, where the globe is persistent and is displayed using three dimensional software rendering and wherein the globe depicts a plurality of geographical points and a plurality of geographical regions representative of geographical locations of a physical world, a logic module that projects web content onto the surface of said representation of the globe, wherein the logic module is configured to extract a plurality of content elements from at least one data file of a separate application, at least one of the content elements conveying information related to at least one geographical location of the physical world and wherein the logic module is configured to superimpose the at least one content element on the globe at the geographical point or geographical region that is representative of the geographical location of the physical world to which the content element relates. As previously discussed, the animated GIF of Besl is generated using a process that starts with a 3D data set, and the 2D data set of Barros cannot be converted into a 3D data set using the teachings of Besl. The animated GIF of Besl also lacks any possible mechanism to extract a plurality of content elements from at least one data file of a separate application, where the content elements convey information related to geographical locations of the physical world. In other words, while Barros discloses smart graphics on a web page that are interactive and Besl discloses animated GIFs, neither suggests or discloses, alone or in combination, a persistent three dimensional rendering of a globe having content elements from at least one data file of a separate

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application, where the content elements convey information related to geographical locations of the physical world. Withdrawal of the rejection of claim 12 is therefore respectfully requested.

Claim 13 as amended includes the system according to claim 12 wherein said information appliance is configured to provide the representation of the globe through a web browser as embedded in a web page and can be relocated to reside on an operating system desktop. As previously discussed, the teachings of Barros related to a web browser application that terminates when the web browser is closed, and which is not persistent and relocatable. Withdrawal of the rejection of claim 13 is therefore respectfully requested.

Claim 14 includes the system according to claim 12 further comprising **means** for rendering web content on the globe as channels, wherein a channel is a set of related content from a content provider, an association of content providers, or a broker of web content, and wherein a content item in a channel has a geographical distribution. As such, claim 14 invokes 35 U.S.C. 112(6), and MUST BE EXAMINED PURSUANT TO MPEP 2181. This has not been done, therefore, withdrawal of the rejection of claim 14 is respectfully requested.

Claim 15 includes the system according to claim 14 further comprising **means** for associating the content item with points on said representation of the globe or regions on said representation of the globe. As such, claim 15 invokes 35 U.S.C. 112(6), and MUST BE EXAMINED PURSUANT TO MPEP 2181. This has not been done, therefore, withdrawal of the rejection of claim 15 is respectfully requested.

Claim 16 includes the system according to claim 14 further comprising **means** for providing a textual window that will pop up that reveals details about the content item when a cursor is moved over the content item. As such, claim 16 invokes 35 U.S.C. 112(6), and MUST BE EXAMINED PURSUANT TO MPEP 2181. This has not been done, therefore, withdrawal of the rejection of claim 16 is respectfully requested.

Claim 17 includes the system according to claim 14 further comprising **means** for associating the content item with actions that are triggered when a user selects the content item. As such, claim 17 invokes 35 U.S.C. 112(6), and MUST BE EXAMINED PURSUANT TO MPEP 2181. This has not been done, therefore, withdrawal of the rejection of claim 17 is respectfully requested.

Claim 20 includes the system according to claim 19 wherein channels reference Envoii sub-compositions configured to be added dynamically to a GlobeVoii application. The

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Examiner relies on paragraph 126 of Barros, but that paragraph does not disclose an Envoii sub-composition or a GlobeVoii application. An applicant is entitled to be his or her own lexicographer, see M.P.E.P. 2111.01(IV). The term Envoii is defined on the related applications that are incorporated by reference and the term Globevoii is defined throughout the specification. Withdrawal of the rejection of claim 20 is therefore respectfully requested.

Claim 21 includes the system according to claim 14 comprising **means** for licensing channels to channel providers on a pay per channel, pay per end user, or a pay per user action basis. As such, claim 21 invokes 35 U.S.C. 112(6), and MUST BE EXAMINED PURSUANT TO MPEP 2181. This has not been done, therefore, withdrawal of the rejection of claim 21 is respectfully requested.

Claim 22 includes the system according to claim 14 wherein a texture map rendered on said representation of the globe is part of a separate 2D rendering system, said 2D rendering system comprising a local display managing system for managing repainting damages. The Examiner relies on paragraph 75 of Barros, but as previously discussed, Barros is a 2D system and Besl is a system for projecting 3D data in 2D. Neither Barros or Besl discusses A 2D rendering system that comprises a local display managing system for managing repainting damages on a 3D image. Withdrawal of the rejection of claim 22 is therefore respectfully requested.

Barros in view of Besl and further in view of Fu fails to provide a prima facie basis for the rejection of claims 18 and 23 under 35 U.S.C. 103(a), because they fail to disclose each element of the claimed inventions. Consider claim 18 as amended, which includes a system according to claim 17 wherein said actions are one or more selected from the group consisting of opening a web browser with a Uniform Resource Locator link as a parameter; bringing content to the globe with a parameter the web address of content; and initiation of communication to a GlobeVoii user through email, chat, or sending an instant message. The Examiner relies on Fu at col. 2, lines 15-20, but Fu does not disclose initiation of communication to a GlobeVoii user through email, chat, or sending an instant message. As noted, an applicant can be his or her own lexicographer, and Fu fails to disclose a GlobeVoii as defined. Furthermore, Fu discloses using the 2D image of FU to schedule a chat session, but not communication through a chat message. Nothing in Fu suggests or discloses that the system of Fu is anything other than a system for personal use. In other words, FU is not a scheduling system for communicating scheduling

events between multiple users. Withdrawal of the rejection of claim 18 is therefore respectfully requested.

Claim 23 includes the system according to claim 14 wherein a representation of the globe is configured to display real time daylight illumination of Earth using 3D shading. The Examiner relies on Fu at col. 5, lines 5-20, but as previously discussed, nothing in Barros, Besl or Fu discloses converting a 2D image to a 3D image. Besl converts a 3D model to a 2D view, but can't convert a 2D view to a 3D model. Withdrawal of the rejection of claim 23 is therefore respectfully requested.

Barros in view of Besl and further in view of Official notice fails to provide a prima facie basis for the rejection of claims 6, 7, 11 and 19 under 35 U.S.C. 103(a), because they fail to disclose each element of the claimed inventions. Consider claim 6, which includes the method according to claim 3 wherein said desktop provided by an operating system is an interface of a platform, said platform selected from the group consisting of: a windows personal computer, a Macintosh personal computer, a Unix-type operating system, a set-top box, a wireless logic appliance, an internet appliance, a personal digital assistant, or another device connected to a network. The Examiner's reliance on Official notice is based on the misconstruction that the graphical object is not a persistent relocatable graphical object. Making an object persistent and relocatable in any of the listed interfaces is not capable of instant and unquestionable demonstration as being well-known, because none of the cited references discloses a persistent relocatable graphical object on an interface of any platform. The listed platform interface include operating environments that allow applications to operate, but which do not support relocation of persistent graphical objects. Withdrawal of the rejection of claim 6 is therefore respectfully requested.

Claim 7 includes the method according to claim 1 wherein said new location is selected from the group consisting of: a desktop provided by an operating system, and a different computer platform with a different operating system. As previously discussed, making an object persistent and relocatable in any of the listed locations is not capable of instant and unquestionable demonstration as being well-known, because none of the cited references discloses a persistent relocatable graphical object on a new location. The listed locations include operating environments that allow applications to operate, but which do not support relocation of

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persistent graphical objects. Withdrawal of the rejection of claim 7 is therefore respectfully requested.

Claim 11 includes the method according to claim 8 wherein said one or more external entities are selected from the group consisting of: web servers, other applications, background processes, and other remote processes. As previously discussed, making an object persistent and relocatable in any of the listed external entities is not capable of instant and unquestionable demonstration as being well-known, because none of the cited references discloses a persistent relocatable graphical object on a new entity. The listed entities include applications, but do not support relocation of persistent graphical objects. Withdrawal of the rejection of claim 11 is therefore respectfully requested.

Claim 19 includes a system according to claim 14 further comprising means for defining channels using Extensible Markup Language format describing content at least in terms of geographic position, click-action, and parameters for click action. As such, claim 19 invokes 35 U.S.C. 112(6), and MUST BE EXAMINED PURSUANT TO MPEP 2181. Official notice cannot be used to provide missing structure, therefore, withdrawal of the rejection of claim 19 is respectfully requested.

CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicant submits that all of the claims now present are allowable, and withdrawal of the rejection and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 953-5990 so that such issues may be resolved as expeditiously as possible.

A Petition for 1-Month Extension of Time is included with this response. The Commissioner is authorized to charge the extension fee in the amount of $65.00 to Deposit Account No. 10-0096. The Commissioner is authorized to charge any fees that have been overlooked or credit any overpayment to Deposit Account No. 10-0096 of Jackson Walker L.L.P.

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Respectfully submitted,

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